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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Leonard N. Roberts,  
10 Appellant,  
11 v.  
12 Joan Kathryn Livdahl,  
13 Appellee.  
14

No. CV-19-01687-PHX-DWL  
**ORDER**

15 Pending before the Court is the parties' Joint Motion to Stay Proceedings to Allow  
16 for Completion of Settlement (Doc. 7.) The parties aver that they "are in settlement  
17 discussions and a stay through July 8, 2019 will allow them to finalize a settlement  
18 agreement." (Doc. 7 at 1.)

19 A stay is "not a matter of right," but is rather "an exercise of judicial discretion,"  
20 the propriety of which "is dependent upon the circumstances of the particular case."  
21 *Virginian Ry. Co. v. United States*, 272 U.S. 658, 672-73 (1926). "The party requesting a  
22 stay bears the burden of showing that the circumstances justify an exercise of that  
23 discretion." *Nken v. Holder*, 556 U.S. 418, 433-34 (2009). In the case of a joint motion,  
24 the parties share that burden. In determining whether to grant a motion to stay, "the  
25 competing interests [that] will be affected by the granting or refusal to grant a stay must be  
26 weighed." *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (citing *CMAX,*  
27 *Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

28 The Court "has an interest in managing judicial resources by preventing inactive

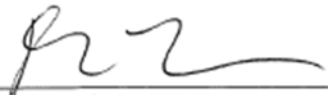
1 cases from remaining indefinitely on its docket,” *United States v. Grantham*, 2018 WL  
2 3239938, \*2 (S.D. Cal. 2018), and therefore the parties must demonstrate that other factors  
3 outweigh this interest to prevail in seeking a stay. Settlement discussions will seldom  
4 suffice. The Court follows a general rule of not extending deadlines to allow parties to  
5 pursue settlement efforts. See [http://www.azd.uscourts.gov/sites/default/files/judge-](http://www.azd.uscourts.gov/sites/default/files/judge-orders/DWL%20Case%20Management%20Order.pdf)  
6 [orders/DWL%20Case%20Management%20Order.pdf](http://www.azd.uscourts.gov/sites/default/files/judge-orders/DWL%20Case%20Management%20Order.pdf). Likewise, in most cases, the Court  
7 does not consider pursuing settlement discussions to be an adequate justification for a stay.

8 The joint motion to stay will therefore be denied without prejudice. If the parties  
9 have reached a settlement and merely need more time to finalize it, they should file a notice  
10 of settlement.<sup>1</sup> Alternatively, if the parties believe they have an adequate justification for  
11 a stay or a further extension of the briefing schedule, they may file another motion.

12 Accordingly,

13 **IT IS ORDERED** that the parties’ Joint Motion to Stay Proceedings to Allow for  
14 Completion of Settlement (Doc. 7) is denied.

15 Dated this 20th day of May, 2019.

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20 Dominic W. Lanza  
21 United States District Judge  
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26 <sup>1</sup> The parties’ motion asserts that “[p]ursuant to LRCiv 40.2, counsel for Roberts has  
27 notified the Court by telephone of the pending settlement.” (Doc. 7 at 1.) LRCiv 40.2  
28 expressly applies only to cases that are set for trial: “When a case set for trial is settled out  
of Court . . . , it shall be the duty of counsel to inform . . . the chambers of [the presiding  
judge] immediately.” LRCiv 40.2(d). This matter (a bankruptcy appeal) is not set for trial,  
so LRCiv 40.2 is inapplicable. The Court requires parties to file a notice of settlement  
when a settlement is pending.